

CHAPTER NO. 916

SENATE BILL NO. 2794

By Herron, Kurita

Substituted for: House Bill No. 3194

By Sands, Caldwell, Hood, Eckles, Fowlkes, Williams, Arriola, McDonald, Maddox,
Robinson, Newton, McMillan, Harwell, Roach, Fraley, Brenda Turner, Walker, Bone

AN ACT To amend Tennessee Code Annotated, Title 55, Chapter 52, relative to child
bicycle safety.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-52-103, is amended by deleting the words "public roadway" from items (1) and (3) and by substituting instead the words "public highway or street".

SECTION 2. Tennessee Code Annotated, Section 55-52-103, is further amended by deleting item (8) in its entirety.

SECTION 3. Tennessee Code Annotated, Section 55-52-103, is further amended by adding the following language as new items and by renumbering the additional and remaining items appropriately:

() "Highway" or "street" means the entire width between boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel;

() "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians;

SECTION 4. Tennessee Code Annotated, Section 55-52-104, is amended by deleting the words "state roadways" and by substituting instead the words and punctuation "highways, streets and sidewalks".

SECTION 5. Tennessee Code Annotated, Section 55-52-105, is amended by deleting the words and punctuation "With regard to any bicycle used on a state roadway, it is unlawful:" and by substituting instead the words and punctuation "With regard to any bicycle operated over any highway, street or sidewalk, it is unlawful:"

SECTION 6. Tennessee Code Annotated, Section 55-52-106, is amended by adding the following language as a new, appropriately designated subsection:

(_) A law enforcement officer observing any violation of this part shall issue a warning to the violator for the first offense and a citation to the violator for the second or subsequent offense, but shall not arrest or take into custody any person solely for a violation of this part.

SECTION 7. Tennessee Code Annotated, Section 55-52-106, is amended by deleting subsection (a) in its entirety and by substituting instead the following:


(a) Except as provided in subsection (b), any adult person violating any requirements set forth in Section 55-52-105, commits a violation and shall be assessed a civil penalty of two dollars (\$2) and court costs.

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.


SECTION 9. This act shall take effect July 1, 2000, the public welfare requiring it.

PASSED: June 9, 2000


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 19th day of June 2000


DON SUNDQUIST, GOVERNOR